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DEPARTMENT OF STATE

Washington, D.C. 20520

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June 7, 1976

REVIEW STAFF

76-0455

Mr. Ben Evans  
Executive Secretary  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Mr. Evans,

I enclose herewith a copy of the AAUP Conference Newsletter which contains, I believe, the letter of May 24 from Van Alstyne to Bush. It is hard for me to determine what parts of the Newsletter are actual quotes because the Association seems to be sparing in its use of quotation marks.

I also enclose a draft of remarks that I may make at the National AAUP Meeting. Because I am unclear as to the precise format of the "panel discussion," it is unlikely that I would be able to deliver all nineteen pages, but I may offer these comments for publication with appropriate academic footnotes, etc., and possible revision in the AAUP Bulletin. I would, of course, be grateful for any of your comments.

Sincerely,

*Gordon B. Baldwin*

Gordon B. Baldwin  
Counselor on International Law

Professor of Law  
University of Wisconsin

Enclosures:  
As stated.

THE CIA IN ACADEMIA

Gordon B. Baldwin

Professor of Law  
University of Wisconsin\*

In obedience to the injunction about disclosing sponsors, if any, I covenant that there are none and that I am only a Professor of Law. For a one-year period just preceding the A.A.U.P. convention I served in the Department of State as Counselor on International Law. The thoughts expressed here, however, represent my views and not necessarily those of the Department of State, or of any other Government Agency.

An old story illustrates the differences among a lawyer, a philosopher, and a theologian. A philosopher is like a blind man in a dark cellar at midnight looking for a black cat that isn't there. He's distinguished from a theologian in that the theologian finds the cat. A lawyer, however, will smuggle a cat in under his overcoat and emerge to produce the animal in triumph.

If the "black cat" symbolizes CIA wrongdoing on campus, then, I believe, the Church Committee report reveals the character of all three professions.\* First, the Committee stressed what is neglected here -- that foreign intelligence gathering is vital and that in the majority of CIA's relations with academics there is no cat. Agency inquiries relating to a subject's professional competence should be encouraged, are desirable, -- the Committee

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\* S.Rept. 94-755, Foreign and Military Intelligence, Books I, II, and III, Final Report of the Select Committee to Study Governmental Operations with respect to Intelligence Activities, 94th Cong., 2d Sess.

finds -- and could not be forbidden.\* Secondly, the Committee concludes that it is improper for academics to have a confidential relationship with CIA -- although some of us dispute that conclusion; and thirdly, I believe the Committee "imports a cat" by suggesting some wrongdoing that just wasn't there to begin with. Whatever the accuracy of the Church Committee's report of facts, we can't easily ignore their challenge: namely, that "it is primarily the responsibility of the American academic community to set the professional and ethical standards of its members."\*\*

We should, I believe, bear two points in mind as we respond. First, the issue is what now? What standards should we follow hereafter, not simply whether or not CIA violated its mandates in the past. Second, if we establish standards they should be neutral. Professional guidelines and standards that are dependent upon whether or not an individual happens to agree with the present or past foreign policies of the United States are neither helpful, nor are they standards.

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\* S. Rept. 94-755, Book I, pp. 189, 191.

\*\* S. Rept. 94-755, Book I, p. 191.

Of course, we can't ignore the past -- but we don't necessarily have to reach the same conclusions as the Church Committee, or as our distinguished President, Bill Van Alstyne. Bill's most recent letter to George Bush\* focuses upon three allegations of CIA wrongdoing: failure to disclose CIA "sponsorship;" CIA contracts with scholars for the publication of "propaganda;" alleged "operational" use of academics by CIA.

As to the first point, the critical issue, Bill says, is that the reader of a journal should take into account whether a publication is written by someone "sponsored" by CIA. One cannot quarrel with a practice that requires a writer to acknowledge his employer's identity, but it is more difficult to fix the writer's responsibility for noting other associations.

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\* Letter of 24 May 1976, Van Alstyne to Bush, AAUP Chapter Conference Newsletter, 26 May 1976. The first letter from Van Alstyne to Bush is in Chronicle of Higher Education, 17 May 1976, p. 8.

Perhaps we could agree on a definition of "sponsorship" for purposes of deciding how to footnote an investigator's article. I don't think it would be helpful, however, because many personal associations influence one's approach and it's manifestly impossible to list them all. Our association with the AAUP is surely open, but should those who write on constitutional law always and invariably list their membership, and degree of affiliation in a footnote? When someone writes about the abortion case, should church affiliation, if any, or lack of it, be footnoted? That association may be more relevant to the author's conclusions than attendance at Yale. Or, if one writes about the proper balance between the powers of the President and those of Congress, should the current political affiliation of the author be revealed? What should the rules be, or should we have any at all? The answers are not self-evident.

I agree, however, that knowing the sponsorship of a document helps the reader. Look, for example, at the Church Committee's report which is contained in an awesome trilogy of books dribbled out to the

public, part by part. We have received about 2,000 pages in three volumes. Let us remember what we learned during the 1950's about Committee reports. They do not, however revealing, establish facts. Indeed, that is not their primary function. The fundamental purpose of a Committee Report is to further legislative purposes by gathering and distributing legislative findings. Witnesses are carefully selected and screened. They are not, ~~or are not~~, cross-examined -- the proceedings are often televised and are more inquisitorial than adversary. The Church Committee's procedures seemed fairer to me than those of the Pike Committee, but still the result was one-sided. The targets of a report may, or may not, be allowed the courtesy of seeing a draft. The Church Committee's staff did give the executive branch opportunities to comment, and object to parts; and the Committee did delete some material, and condense parts.

Bill, properly, asks us to evaluate material in the light of its sponsors. The Church Committee report should also be evaluated in the light of its sponsors -- who are legislators, not administrators; who are not charged with executive responsibility; and who are not obliged in their daily work to deal

with foreign allies or adversaries. Some may find it relevant that its chairman had apparently decided to become a candidate for President. Moreover, the report is almost entirely the product of its staff -- bright, mainly young, people whose conscience had been seared by their feelings about Vietnam, and probably Chile, but who were uninformed, if not uncontaminated, by knowledge of how academics have historically contributed to foreign intelligence gathering. Notably lacking in the report is a sense of history, and of balance. The general outline of the contributions of British academics to their nation's intelligence organizations is well-known.\* The work, usually quite confidential, of Oxford and Cambridge dons for their intelligence services is unheralded, unremarkable, but doubtless invaluable.

Most will assume that an academic is not justified in lying about a relationship with CIA. Maybe, but the question of disclosure of an association is very complicated. I do know of situations

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\* Generally, see material in Brown, A Bodyguard of Lies (1975); Winterbottom, The Ultra-Secret; Kahn, The Codebreakers; Stevenson, A Man Called Intrepid.



where being misleading, or engaging in prevarication, may be arguably justifiable for a professional. Lawyers still argue whether or not it is improper to give legal advice which will very likely tempt the client to commit perjury, or place a witness on the stand who will probably tell a lie.\* Dean Freedman shows that the answer is by no means certain, and that to even suggest propriety risks disbarment. Should a doctor, invariably, reveal his diagnosis to his patient? Perhaps the information will be additionally harmful. I can't condemn, without facts, a physician who "lies" to his patient, nor am I wholly clear that a professor should always, under any conceivable set of circumstances, tell the whole truth and nothing but the truth. I happily refrain, however tempted, from describing some of my students as dopes. Is it unethical for someone studying the possible toxic effects of microwave radiation leached by the Russians to seek information from reputable academic scientists on the ground that he's about to purchase a microwave oven? H.R. Monto, generally known as

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\* See Freedman, "Professional Responsibility of the Criminal Defense Lawyer," 64 Mich. L. Rev. 1469 (1966).

Saki, wrote an entrancing short story about a talking cat, Tobermory, who always told the truth. That cat lead a wretched -- and short -- life. In a large sense, deception is part of the game of nations. Individuals are inevitable participants, and philosophers dispute whether the rules of ethical behavior applicable to individuals can apply in the international arena.

The second of the Van Alstyne complaints is that CIA contracts "with scholars for publication to be used as 'propaganda' which nonetheless appears to be professionally detached and reliable scholarly publication."

The third complaint concerns allegations that CIA makes "operational use" of academics in a "covert" fashion.

The Director of Central Intelligence takes issue with the thrust of all these allegations in a letter of May 11th. "None of the relationships [with CIA]," says Mr. Bush, "are intended to influence what is taught or any other aspect of a scholar's work. We specifically do not try to inhibit the 'free search for truth and its free exposition.'"

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\* Letter of 11 May 1976, AAUP Chapter Conference Newsletter, 26 May 1976, pp. 2-3.

Neither Bill, nor the Committee, seem to find this assurance comforting. Bill asks for a blanket assurance from the Agency that it will not employ any academics for "covert" operations.

Central to the Church Committee's report is its distinction between open and clandestine relations. Broadly, the Committee believes that the independence and integrity of an educational program are endangered per se by secret relationships. I'm not sure why. If, for example, a local real estate dealer hired a business school professor to study the feasibility of a shopping center on a particular piece of land, should the identity of the undisclosed principle make an ethical difference to the academic: Woolworth, Penney, Sears, CIA, or an Arab prince? Would it make an ethical difference if the dealer's real objective were a factory, or some other use? The problem of when a confidential relationship is in the public interest deserves deeper thought than the Committee gives it.

Parenthetically, I emphasize that all contacts between the Department of State's intelligence branch and the academic community are open -- the Department wants it that way. Funding sources are always disclosed, and a consultant or contractor

with the Department is not deceived. I made inquiries about this and was firmly urged to emphasize the openness with which the Department proceeds. Ordinarily, if time allows, requests for bids are advertised, but the Department also invites those with research ideas to submit them. Its budget is small, unfortunately, but the Department's interests are so wide ranged that I urge anyone with foreign policy, or foreign area interests, to consider approaching the Department for support.

Surely there is a valid distinction between performing research and being "operational" -- the edges are clear but the line between them is not sharp nor self-defining. Perhaps the Committee realized this in admitting that "it does not recommend a legislative prohibition on the operational exploitation of individuals in private institutions by the intelligence agencies. The Committee views such legislation as both unenforceable and in itself an intrusion on the privacy and integrity of the American academic community."\* The Committee, therefore, does not resolve the appropriateness of

an individual academic's decision to offer assistance to the CIA, or another intelligence agency, voluntarily without disclosing his offer to the public generally, or to his dean or a department specifically.

The Committee does recommend, without giving its reasons, that the CIA's internal directives "require that individual academics used for operational purposes by the CIA, together with the President or equivalent official of the relevant academic institution, be informed of the clandestine CIA relationship." I find this provision curious and also raising questions of academic independence. Should a professor who agrees during his summer "vacation" to write a report on the geology of Central Asia for the CIA be obliged to tell the President of the university of his "employer," his travels, and about his work? Ordinarily Presidents and Chancellors are not concerned with such specifics. We generally applaud an administration that leaves us alone and sees that the budget is balanced and classes are taught; nor can we properly object if we're asked to give a full day's work for a day's pay. Should universities issue rulings limiting, or regulating, the contacts of academics with the CIA? Of course, some institutions

decide not to undertake classified research --- that's a different problem, but a blanket rule would raise serious questions of impairing free association.

The Committee's uncertainty about recommending legislation may partly be attributed to some doubt as to whether or not it is a federal function to set ethical and professional standards. Is Congress authorized to tell us when we may not decide to have a confidential relationship with the government? Furthermore, can we assuredly say it is never in the government's interests to employ confidential agents? Presidents of the United States have repeatedly employed secret agents, and the Supreme Court one hundred years ago upheld their employment without statutory authorization as constitutional.\*

The Church Committee's discussion of the constitutional problem of regulating intelligence gathering was pitifully weak. The extent to which Congress has constitutional authority to control

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\* Parenthetically, at least two members of the Supreme Court have had professional experience in intelligence work; Justices Powell and Stevens.

the means of gathering it, and to require disclosure of the product is not clear. Foreign intelligence is primarily an executive department need, flowing from particular responsibilities in foreign affairs and in national defense. Several Supreme Court cases support arguments that Congressional power both to control the means and to obtain the information here is limited (Totten, Curtiss-Wright, C & S Airlines).<sup>\*</sup> Federalist Paper #64 alludes to foreign intelligence, states that the President may obtain it, and decline to furnish it to Congress. Furthermore, international law may limit the means employed. None of these legal questions are adequately addressed by the Church Committee report -- I found its law discussion short, incomplete, and misleading. Furthermore, the Church Committee did not cover the rich historical literature revealing state practices. These are relevant, if not decisive, in determining what international law requires.

\* Totten v. U.S., 92 U.S. 105 (1876); U.S. v. Curtiss-Wright, 299 U.S. 304 (1936); Chicago and Southern Airlines v. Waterman S.S. Corp., 333 U.S. 103 (1948).

Committee does not, I believe, adequately understand that confidential relationships may be in the public interest. We are generally agreed that some confidential relationships should be fostered by both the legal order and by professional/ethical standards. These include communications between husband/wife, priest/penitent, and doctor/patient. Legislators now hear requests that we create other confidential relationships; newspaper reporter/informant, for example. Recently some members of Congress expressed an interest in supporting the confidentiality of information supplied to the government by Indians. The Church Committee, however, has some misgivings about confidentiality as it involves intelligence gathering and the Committee casts doubt upon the propriety of an individual's decision to assist covertly the government agency charged by the Congress and by the President with the duty of obtaining the best possible foreign intelligence.

The CIA's involvement with academic institutions was listed in the Church Committee under four categories, in which academics:



1. Provide leads and make introductions for intelligence purposes;
2. Collect intelligence abroad;
3. Conduct research and training which may be financed, overtly or covertly, by CIA; and
4. Are funded directly or indirectly by CIA.

As to each of these four, the Committee commented briefly.

First, the material relating to how academics provide leads and make introductions for intelligence purposes was substantially abridged in the report -- at the request of the executive branch. The primary reason was not so much to hide something about which the agencies are ashamed, but to protect methods and sources, and the privacy of individuals and institutions. I've not seen any suggestion whatsoever that any of the leads and introductions violated state or federal law.

Some of the questions raised here involve matters of propriety and fairness more than questions of legality. First and foremost, we have ethical obligations toward our students, and even

if the law requires us to speak, most of us would be uncomfortable if required to disclose a confidence entrusted to us by a student. Furthermore, we surely feel that we should not place one of our students in an embarrassing position.

We enter here a sensitive area in which the questions are so difficult that we may be unable to make firm rules. Some of our foreign students have become, or will become, important political figures at home. Should we assist our own foreign policy makers who deal with them? What are the limits to that assistance? If one of our foreign visitors has a particularly unhappy, or striking, experience here, should that information be passed on. Of course, all students have rights to their privacy, but all Americans share a common interest in dealing fairly, intelligently, and effectively with foreign leaders.

The Church Committee does mention extensive Soviet intelligence and espionage activity directed against the United States. Other countries also maintain agents here. The Committee notes that foreign visitors to the U.S. include intelligence agents, secret police, and others in whom we have

... against whom we ought to protect ourselves. Statistically, we can predict that foreign agents are among our students; perhaps their duties include reporting on their fellow-students. What should we do? Finding the balance between improper intrusions into the lives of our inhabitants, and protecting ourselves and our wards from improper foreign activity is difficult, but it is a practical problem.

With respect to academics collecting intelligence abroad, the Church Committee called attention to various CIA directives forbidding the operational use of anyone lecturing or studying abroad under a grant from the Board of Foreign Scholarships which administer the Fulbright-Hayes program. I can testify, as a recipient of two such grants, that I was never approached by any U.S. intelligence organization to give them my thoughts and opinions. Indeed, I felt neglected in 1967 after our family hurriedly left Egypt that I was only asked to report to our local Rotary Club. The Committee saw no danger in "debriefing" travelers, or consulting with academics about their observations while abroad.

grantees under Ford, Rockefeller, and Carnegie programs may not be used operationally, nor may persons employed by these foundations be used.

The Church Committee, however, did urge that the prohibition apply to others who were funded under other U.S.-sponsored programs. The rationale for this suggestion was fiscal, rather than ethical. For the CIA to use persons who were funded by Congress for non-intelligence purposes was misleading Congress. Misleading Congress may be foolish, but it is not necessarily illegal or unethical.

The Church Committee's confusion of congressional and ethical issues is understandable, I suppose -- but not forgiveable. I cannot fault the Committee, however, for challenging us to reconcile our obligations as citizens, with our responsibilities as academics searching for truth. An accommodation is more difficult for us than for many of our colleagues abroad, because our country is large, powerful, and envied. Others do not necessarily wish us well, but we must deal with other nations regularly,

and, to the maximum extent possible, with knowledge of their interests and intentions, if we wish, ourselves, to be effective. In the long run whether or not we enjoy academic freedom depends upon our ability to defend its principles, not merely against our own government, but against our adversaries abroad. We do a rather good job defending ourselves from our own government, but, if the Church Committee's recommendations are taken literally, will do a much poorer job defending ourselves abroad.

# chapter conference letter

NO. 3  
May 26, 1976

To : Chapter and Conference Officers

From : Joseph Duffey

*Joe Duffey*

## 1. SIXTY-SECOND ANNUAL MEETING

Proposals for Annual Meeting Action. Under Annual Meeting procedures, proposals relating to the internal organization and activities of the Association (as distinguished from resolutions, which are concerned with subjects of general interest) were to be submitted to the Washington Office by May 25 in order that they might be distributed to chapters and conferences for consideration in advance of the Annual Meeting. Mimeographed copies of the proposals submitted by that date are enclosed with this Chapter/Conference Letter.

AAUP Legislative Day. The enclosed announcement includes full details of the activities scheduled for Thursday, June 24. Everyone who anticipates attending the Annual Meeting is invited to participate in AAUP Legislative Day. Pre-registration is requested.

## 2. CORRESPONDENCE WITH DIRECTOR OF CENTRAL INTELLIGENCE AGENCY

Enclosed with the Chapter/Conference Letter of May 14 was a letter from President Van Alstyne to Director George Bush of the CIA concerning the report of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities. The CIA Director replied by letter of May 11 and President Van Alstyne responded by letter of May 20. The texts of these communications follow. (For the time being, the CIA's May 11 letter and President Van Alstyne's May 20 response are not being released to the press.):

May 4, Van Alstyne to Bush

The recent report of the Senate Select Committee on Foreign and Military Intelligence has confirmed what was already published elsewhere: that the CIA has for years covertly used academic institutions and employed academic persons in ways which compromise institutional and professional integrity. Universities and scholars have been paid to lie about the sources of their support, to mislead others, to induce betrayed confidences, to misstate the true objects of their interest, and to misrepresent the actual objectives of their work.

In ending the practice of CIA employment of missionaries and journalists for covert operations, you have demonstrated your concern for and your willingness to protect the integrity and independence of these institutions. As national President of the American Association of University Professors, I call upon you now to provide the same guarantees against misuse and subversion for our colleges and universities so that they may be freed of the stigma of covert, and often unknowing, participation in manipulative government operations conducted by the CIA.

The American Association of University Professors espouses the professional freedom of teachers and scholars not as some peculiar entitlement of their own but

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*Available*

... the 1948 Statement of Principles on Academic Freedom and Tenure, issued jointly by the AAUP and the Association of American Colleges and endorsed by approximately a hundred learned and professional associations, provides:

"Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition."

A government which corrupts its colleges and universities by making political fronts of them has betrayed academic freedom and compromised all who teach. When colleges and universities are made conduits of deceit and when faculty members are paid to lie, there is an end to the common good of higher education.

On behalf of the American Association of University Professors, I write to express my dismay and utter repugnance at the disregard for the integrity of institutions of higher education shown by the CIA. The practice of shamelessly exploiting the reputation of American academics for trustworthiness, which has characterized CIA activity in the past, evidently continues today. I see no reason whatsoever why higher education should not be treated with the same regard previously shown in your action ending the covert use of missionaries and journalists by the CIA. I ask you to take steps to end the exploitation of the academic community and to disengage the Agency from covert activities which induce academics to betray their professional trust.

The American academic community awaits the necessary forthright CIA guarantees that its integrity will not be further compromised.

May 11, Bush to Van Alstyne

I received your letter of May 4, 1976, concerning CIA relations with the academic community on the same day that you released it to the press and gave a press interview about it. The fact that you did not await a response from me before making your letter public is somewhat troubling. Unfortunately, your doing this could suggest to others that your purpose is something other than the resolution of the problem you perceive.

Having said that, I firmly reject your allegations that CIA corrupts American "colleges and universities by making political fronts of them," that they "are made conduits of deceit" and that "faculty members are paid to lie." These charges reflect your ignorance of the true nature of the relationships we now have with American educational institutions and their faculties. To issue a statement that I am taking "steps to end the exploitation of the academic community," as you request, would give credibility to the series of erroneous assumptions and allegations in your letter. Whatever you have heard about the past, I can assure you that there is now no reason for the members of your association to fear any threat to their integrity or their high sense of purpose from CIA.

The Agency has several kinds of relationships with scholars and scholarly institutions. They include negotiated contracts for scientific research and development, contracts for social science research on the many matters that affect foreign policy, paid and unpaid consultations between scholars and CIA research analysts, contacts with individuals who have travelled abroad, and other similar contacts that help us fulfill our primary responsibility; i.e., to provide the policy makers of our government with information and assessments of foreign developments.

We seek the voluntary and witting cooperation of individuals who can help the foreign policy processes of the United States. Those who help are expressing a freedom of choice. Occasionally such relationships are confidential at our request, but more often they are discreet at the scholar's request because of his concern that he will be badgered by those who feel he should not be free to make this particular choice.

None of the relationships are intended to influence either what is taught or any other aspect of a scholar's work. We specifically do not try to inhibit the



to not too strong to have described these practices as calculated to mislead and to misrepresent. They are, in my profession, grounds for reproval and reprimand.

Additionally, the Report indicates that "operational use" is made of academics in "covert" fashion and that still others "are used in an unwitting manner for minor activities," involving, in the aggregate, academics from more than 100 institutions. In each of these respects (and the passages in which they are chronicled are heavily italicized--indicating the substantial censorship of which several Committee members complained), the Committee again drew attention to its own concern (which I fully share) "that American academics involved in such activities may undermine public confidence." It is quite impossible to infer from these passages that all that is involved is an admirable desire by the CIA not "to isolate itself from the good counsel of the best scholars in our country" (as you say in your letter), rather than, as the Committee says, much more ulterior uses.

The massive censoring of the Committee Report, the separate disclosures that the CIA disregarded its statutory mandate to confine itself to intelligence and to exercise no "police" powers within the United States (as in fact it did), the established fact that the agency clearly has not confined itself "to provide the policy makers of our government with information and assessments of foreign developments" but has, rather, pursued horrendous military operations abroad, and the concurrent unravelling of remarkable illegal domestic activity by the FBI as well, are, respectively, not reassuring.

You write that "whatever you have heard about the past, I can assure you that there is now no reason for the members of your association to fear any threat to their integrity...from the CIA." (Emphasis added.) In anticipation, I expressed interest that you have announced that accredited journalists will no longer be used for covert operations, and asked specifically that an identical policy be announced as well in respect to academics. Your letter is doubtless ritten with care, yet I do not find within it even the facsimile of such an assurance. Whether by further correspondence or on the occasion of meeting "with a few senior officials of this Agency," as you suggest, I would be much relieved by that assurance of equal protection for the integrity of academics. Through the General Secretary of AAUP, Dr. Joseph Duffey, I shall provide every encouragement for such a meeting.

Finally, I appreciate your concern that my letter was released prior to receiving a reply from you. It was exceptional, albeit not exactly in the way you suggested (namely, that it suggests that my purpose was "something other than the resolution of the problem"). Rather, the point was additional to the immediate problem. The Church Committee, in issuing its Report, expressly and publicly solicited the response of academic organizations, suggesting that they had a public duty of their own to comment on its disclosures. The American Association of University Professors has, for sixty years, defended the freedom of teachers and scholars. To have treated the disclosures of the Church Committee as worthy of no public comment, and to have proceeded solely by private correspondence, seemed to me to invite public cynicism that the AAUP was itself complacent about the witting and unwitting involvement of the profession in the matters which the Church Committee had drawn so explicitly to the profession's attention and on which it has sought some timely response. The release of my letter was meant to indicate that we do care.

At the June 25 plenary session of the Annual Meeting in Santa Barbara there will be a panel discussion of the CIA and FBI covert activity on campuses, the Senate Committee Report, and AAUP's concerns. The panelists will be Professor Van Alstyne; Dr. Morton H. Halperin, Director of the Project on National Security and Civil Liberties, which is jointly sponsored by the American Civil Liberties Union Foundation and the Center for National Security Studies; and Professor Gordon B. Baldwin (Law, University of Wisconsin), currently Counselor on International Law for the Department of State.

"First search for truth and its free exposition." Indeed, we would be foolish to do so, for it is the truth we seek. To know that we have no monopoly on fact or on understanding, and to restrict the search for the truth would be extremely detrimental to our own purposes. If CIA were to isolate itself from the good counsel of the best scholars in our country, we would surely become a narrow organization that could give only inferior service to the government. The complexity of international relations today requires that our research be strong, and we intend to keep it strong by seeking the best perspectives from inside and outside the government.

Your letter indicates a serious lack of confidence in people in your own profession—a view that I do not share; that is, your belief that your academic colleagues, including members of your association, would accept pay "to lie about the sources of their support, to mislead others, to induce betrayed confidences, to misstate the true objects of their interest, and to misrepresent the actual objectives of their work." It is precisely that kind of irresponsible charge that tends to drive responsible relationships away from openness and toward the secretiveness that you seem to abhor.

Finally, Professor Van Alstyne, the seriousness of your charges demands that we find a way toward better understanding. Because we owe that to both our organizations, I invite you to meet with a few senior officials of this Agency for that purpose.

May 24, Van Alstyne to Bush

According to the Final Report of the Senate Select Committee To Study Governmental Operations with respect to Intelligence Activities (i.e., the "Church Committee"), the CIA has involved American academics and academic institutions in at least three respects which compromise their professional integrity. In addition, there are intimations in the Report in its italicized passages (which a footnote identifies as having been heavily edited "at the request of executive agencies") and a separate statement by Senators Phillip Hart, Walter Mondale, and Gary Hart suggesting still further involvement which, in the view of those Committee members, implies still other improper uses. (E.g., at p. 568 they write: "The discussion of the role of U.S. academics in the CIA's clandestine activities has been so diluted that its scope and impact on the American academic institutions is no longer clear...modified to the point where the Committee's concern about the CIA's blurring of the line between overt and covert, foreign and domestic activities, has been lost.")

The three respects that appear to be evident from what was not abridged in the Report are these:

a) Generally, an academic is expected to note his relation with an outside sponsor in reporting or publishing the results of his work in order to enable the reader to take that sponsorship into account. (Among law reviews, for instance, the standard rule is that an article subsidized by an interested party, or even a manuscript submitted by an attorney whose firm represents a client with an interest in the subject with which the article is concerned, must, at a minimum, disclose that relationship.) It is, of course, no answer at all that the author might himself prefer that the sponsorship not be disclosed. It is my understanding that the CIA has involved itself in this kind of unprofessional conduct. The general awareness that it is done necessarily undermines the credibility of all published research.

b) The Report speaks directly also of CIA contracting with scholars for publication to be used as "propaganda" which nonetheless appears to be professionally detached and reliable scholarly publication. Of course one can readily appreciate the exploitative value of trading upon the reputation of scholarly work to induce greater readership credibility than more forthright disclosure of its sponsorship and propaganda intention would bear. Insofar as there is a deliberate withholding of the true object of such publication, and a willful omission of disclosure that professional ethical standards would otherwise require, I believe

CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

Executive Registry

76-7399/5

28 May 1976

Mr. William P. Bundy  
Foreign Affairs  
58 East 68th Street  
New York, New York 10021

Dear Bill:

Some time ago I promised you a reply to your thoughtful letter. It has taken longer than I expected because the concern you express inspired me to ask for a review of our situation.

Your thesis as we understand it is that the overt, analytic side of the Agency should be organizationally divorced from the clandestine. This would open the door to a reestablishment of close links between intelligence analysis and the intellectual resources of the universities. Confronting this, we have asked ourselves four questions. What is the present state of these relationships? What improvements could be achieved by the divorce you propose? What would be its costs? Would the costs be worth the gain?

Let me say at the beginning that our problem of standing with the "mainstream" is much narrower in one sense and much broader in another than you imply.

It is narrower because the opposition in principle to clandestine operations is aimed mainly at covert action, and is confined to a relatively small but highly articulate and influential group. These critics are strongest in the major universities, and strongest there in the Establishment ones. With a few exceptions, they represent the liberal arts and social sciences rather than the physical sciences, and within the social sciences they do not include many scholars of Communist societies. On the other hand, your "mainstream" strongly



influences the editorial (and the news) content of certain familiar publications, ones that are able to build a sort of prison of fashionable attitudes. When we deal with the currents of intellectual life outside prison walls, we find a great deal of support for the Agency and its mission.

On the other hand, the problem is much broader than intelligence. The "mainstream" has, to varying degrees, turned its back on defense and on foreign policy. A few will have nothing to do with government itself. A much greater number believe, with some justification, that our national energies should be concentrated on domestic problems. Their concern over intelligence issues is obviously great, partly because these issues epitomize for them the misdirection of American society. Nonetheless, it is more an expression of a broader legitimate debate over priorities and credibility than the underlying cause of the debate. We are convinced that acceptance by these people of the Agency, or of its present analytic component, as a respectable participant in American intellectual life must wait until they rediscover that guilt is no substitute for foreign policy in a less than benign world, and until they determine that it is respectable to participate and assist in national government. There are some encouraging signs that this is beginning to happen.

Even then, I concede, we will have problems, but not as great as you anticipate. The fact is that we have never been isolated from academia even during the worst of the recent period. In fact, we are less "monastic" now than we have ever been. The difference is that many of the people with whom we deal find it necessary to be circumspect if they are not to be hounded by the emotional and the trendy among their colleagues. For this reason you and many others are probably unaware just how deep and extensive these relationships are. They require the assignment of an officer full-time as Coordinator. Some examples, from the liberal arts and social sciences, at the risk of inflicting on you a statistic or two:

- You speak of the immense amount of contact that "used to exist" between the overt side and the universities. One Office alone, the Office of Political Research (formed when ONE was broken up), has maintained through all the nastiness of the past few years regular and active exchange:

- ° At Harvard, Princeton, Stanford, MIT, Amherst, etc., with 39 senior faculty;
- ° At Chicago, California, Michigan, etc., with 41 senior faculty;
- ° At other institutions (including 6 foreign) with 32 senior faculty.

- You asked how long it has been since a scholar from the outside joined the Agency for a year or so. The answer is that there are two such on board now, and a third is about to join us.
- You note that our people used to be able to go freely to academic centers. This academic year we have 21 analysts on sabbaticals at various universities. Well over a hundred others, openly identified as CIA, have attended 60 professional meetings (American Political Science Association, etc.) and 30-40 presented papers or were scheduled as discussants.
- OPR and the Offices of Economic and Strategic Research all have panels of distinguished scholars to review their output and their programs. Many of these people put in a good deal of time at Langley.
- During the past two years, the Agency conducted three symposia to bring intelligence analysts together with academic leaders in the development of new methods of analysis in the social sciences. The first dealt with a broad range of new methodologies, the second and third with the specific problems of elite analysis and national leadership succession. Nearly 50 scholars from almost as many major universities participated. CIA sponsorship of the symposia was openly revealed, but only one person invited hesitated because of that association.

-- We have a summer intern program for graduate students. This year we will take 74, one out of every nine applicants. Experience suggests that about half will end up as permanent employees.

I think it is in the long run even more important that we are making a major effort to break our product out of its security wrappings. There is already a respectable flow of unclassified or declassified CIA product to the academic world. We expect it to grow.

On the scientific side, by now at least as important as the traditional intelligence disciplines, our relations with the universities have always been close. In recent years our activities in science and technology have grown enormously. A great deal of our analytic work is directed at technological developments and weapon characteristics. Similarly, we are deeply involved in research and development in support of collection and information processing, not only in the obvious areas like photography but also in the integration of technology with clandestine collection.

We draw for these purposes on the full range of American intellectual resources, and few scientists have withheld cooperation. We have contracts with more than 35 senior scientific faculty at major universities, and that many more serve as consultants. Among them are some of the country's most distinguished, including several Nobel laureates. Moreover, we draw on, and depend on, the work done at these institutions, and at research institutes and think tanks. We have full membership in the American scientific community.

In our experience, all but the most hysterical of faculty and students are sophisticated enough to make a distinction between the overt and analytic and the covert and operational, however much they may disapprove of the latter. While our analysts on campus have a great deal of arguing to do, they are not held responsible by their academic colleagues for clandestine activities.

Nor has recruiting suffered. We have far more exceptional applicants than we can take. Many of those that have joined us in recent years are extraordinarily impressive, not only in academic terms but also in professional or military experience. Neither you nor I are in a position to compare these officers with those of whom you speak, but my colleagues who know both groups tell me our newer people measure up. You are quite right, however, that we are not getting from Harvard and Princeton the liberal arts

graduates at the top of their classes. I wish we were, but the fact is that in the 70's these people simply do not appear to be interested in federal service of any kind.

Academic stars aside, the general level of our professional force is much higher today than it was in the 50's. The proportion with graduate degrees (and from first-rate universities) has risen from about 20 to about 45 percent, while the number with no degree has dropped from 35 (!) to 5 percent.

The mass and often indiscriminate intake of professionals in the 50's will not be repeated. It provided many first-rate people, but it also saddled the Agency with a large number of third-raters. Virtually all of these have been eased out in the last few years. With a smaller but steady intake, we are able to be highly selective, a policy that is paying off in the depth of talent and experience available to us.

Adding this all up, we assess our academic relationships not to be in bad shape, especially when we consider the strains to which they have been subjected by largely irrelevant events. Obviously they can be improved. In particular we want to have the very best people from the very best schools competing to join us, and we would prefer that our associates on the campuses did not have to worry over the effect their association might have on their students or their peers. A divorce from the Clarendon Services might help, at least in the latter instance, but its effect on recruitment or on our ability to broaden our present substantive exchanges would be marginal. Any positive change must await fundamental change in the fashionable view of what an intellectual owes to his country, something which we in intelligence can influence very little.

What do we lose by separation of analysis from operations? In our view, a great deal. It is interesting that the Senate Select Committee and its staff opened hearings largely convinced that there should be a divorce and ended, grudgingly, much less convinced. Its recommendation (pp. 449-451, copy enclosed) finally was that the new Oversight Committee should "give consideration" to this idea. Its objective, moreover, was primarily to relieve the DCI of a potential conflict of interest. The Harvard University Institute of Politics, Study Group on Intelligence Activities, produced a paper on this subject which is also quoted in the Select Committee's report (pp. 528-532, copy enclosed). I think the Study Group has the equities about right, especially in the dangers of placing the DDO in State or Defense, or of trying to maintain it in an independent position.

I would put even more weight, however, on the interdependence of the Operations, Intelligence, and Science and Technology Directorates. As you remember, the linkage between the analyst and the clandestine collector was once tenuous indeed. It is still not as close as we would like it, but year by year it improves.

In your letter you treat only with the substantive contribution that the collector can make. I think you downplay far too much the value of lengthy, on-the-scene immersion in a nation's politics, but there is an even more important consideration. We desperately need clandestine collection, but it is complicated and dangerous. We cannot afford to have it operate in a vacuum if it is to operate with reasonable efficiency and minimum risk. It must therefore be closely linked to the analysis function. The greatest value of this relationship, however, comes from the contribution of the analyst, not of the collector. The collector learns from the analyst what sources to seek and what questions to ask. He gets a continuous evaluation of his product. The analyst in turn gets a clear picture of the reliability and access of sources, and he can ask the follow-up questions. Thus, the collection process can be steered to make it more responsive to national requirements, and to make the ultimate product substantially more reliable.

I spoke earlier of the integration of technology and clandestine collection. The scientist who develops an advanced sensor, the clandestine officer who emplaces it, and the analyst who defines the requirement for it and depends on its success are all members of a single team. Experience indicates that the efficiency and responsiveness of collection suffers when it is organizationally and geographically separated from analysis. In the broadest sense, I see my managerial job is to make the Intelligence Community more "communal," to seek greater integration and cooperation among all its components. Fragmentation is not the answer.

In sum, we come out with different answers from yours on the four questions posed earlier. First, our external relationships in this country, while hardly ideal, are not in bad shape. Certainly they have not been so damaged that radical surgery is essential. Second, we doubt that the surgery you propose would cure the patient; our particular difficulties are symptoms of a more general malady. Third, we rate the costs and risks of the operation considerably higher than you do. Finally, as we add these answers up in May 1976, the costs do not seem worth the gains.

One additional point. I think you will find that the concept of an analytic function independent of policymaking is firmly lodged in doctrine. Our officers from top to bottom take



it seriously indeed. Had I any mind to change it (thus breaking a heartfelt pledge made at my Senate confirmation hearings), I would lose our best people by platoons. Nor are they unaware that they have no monopoly on knowledge and wisdom. They are encouraged to face outward, to seek information and advice wherever it may be had, and to engage in informed debate with their lay colleagues. And this exchange, even in these harried times, continues to be fruitful.

I do not wish to appear complacent, however. We have not had time to assess the impact on the public of the Select Committee's report. Its treatment of our relationships with academia has already produced some negative noises in academic circles. In any case, there is no question that the nation's confidence in its intelligence service has been shaken; restoration of that confidence is my highest priority.

For now, our emphasis is on seeking greater understanding in the Congress and the press. After a few months, we will take another look. If organizational measures look sensible, we'll take them. As you point out, these are not things to be rushed.

Again, many thanks for your letter. As you can see, we take these questions seriously. And it is healthy that we can debate them seriously with our distinguished alumni. I hope we can count on your continued advice and support.

Sincerely,

[Redacted Signature]

George Bush  
Director

STATINTL

Enclosures

RLehman:lm

Distribution:

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#### G. REORGANIZATION OF THE INTELLIGENCE COMMUNITY

##### 1. *The Position of the DCI*

The Committee recommendations regarding the Director of Central Intelligence (pages 43-45) would, if implemented, increase his authority over the entire intelligence community. Given such increased authority, the Committee believes that both the executive branch and the intelligence oversight committee(s) of Congress should give careful consideration to removing the DCI from direct management responsibility for the Central Intelligence Agency. This would free the DCI to concentrate on his responsibilities with regard to the entire intelligence community and would remove him from any conflict of interest in performing that task. It might also increase the accountability of the Central Intelligence Agency by establishing a new and separate senior position—a Director of the Central Intelligence Agency—responsible for only the CIA.

##### 2. *The Structures of the CIA*

The Committee believes that several important problems uncovered in the course of this inquiry suggest that serious consideration also be given to major structural change in the CIA—in particular, separ-

<sup>1</sup> This recommendation parallels the current provisions of the War Powers Resolution which could be so amended. (Appendix C, Hearings, Vol. 7, p. 226.)

rating national intelligence production and analysis from the clandestine service and other collection functions. Intelligence production could be placed directly under the DCI, while clandestine collection of foreign intelligence from human and technical sources and covert operations would remain in the CIA.

The advantages of such a step are several:

- The DCI would be removed from the conflict of interest situation of managing the intelligence community as a whole while also directing a collection agency.
- The concern that the DCI's national intelligence judgments are compromised by the impulse to justify certain covert action operations or by the close association of the analysts with the clandestine service would be remedied.
- The problem, seen by some in the intelligence community, of bias on the part of CIA analysts toward the collection resources of the CIA would be lessened.
- It would facilitate providing the intelligence production unit with greater priority and increased resources necessary for improving the quality of its finished intelligence.
- Tighter policy control of the Clandestine Service by the National Security Council and the Department of State would be possible.
- The Director would be able to focus increased attention on monitoring Clandestine Services.
- Internal reorganization of the Directorate for Intelligence and the remainder of the CIA could be facilitated.

There are potential drawbacks as well:

- The Director of Central Intelligence might lose the influence that is part of having command responsibility for the clandestine services.
- The increasing, though still not extensive, contact between national intelligence analysts and the Clandestine Service for the purpose of improving the espionage effort might be inhibited.
- The DCI would have managerial responsibility over the former CIA analysts which might place him in a conflict-of-interest situation in regard to the production of intelligence.
- The increased number of independent agencies would increase the DCI's coordination problems.
- If the clandestine services did not report to the DCI, there would be the problem of establishing an alternative chain of command to the President.
- The Clandestine Service might be downgraded and fail to secure adequate support.

Nonetheless, on balance, the Committee believes such a separation of functions and consequent possible realignments in authority within the intelligence community merit serious consideration.

*Recommendations*

41. The intelligence oversight committee(s) of Congress in the course of developing a new charter for the intelligence community should give consideration to separating the functions of the DCI and the Director of the CIA and to dividing the intelligence analysis and production functions from the clandestine collection and covert action functions of the present CIA.

#### *4. Organizational Alternatives for the Clandestine Services*

*a. Alternatives.*—There are four alternatives for location of the clandestine services (CS) of the CIA (in this outline the term clandestine services is used in preference to either DDO or DDP in order to avoid confusion):

1. State Department—The CS could be moved to the State Department and either be consolidated with State Department functions or be organized as a quasi-independent agency under a State Department umbrella (the ACDA model).

2. Department of Defense—The CS could be made a civilian operating agency of the Department of Defense reporting to the Secretary of Defense.

3. Independent Agency—The CS could be established as an entirely independent agency of Government reporting to the President through the National Security Council.

4. Status Quo—The CS could be maintained as part of a central intelligence function. Presumably its size and mission would be reduced.

*b. Assumptions.*—To discuss the above options rationally, one must make certain assumptions about the future need of the United States for CS. This outline assumes that we will want to maintain: a clandestine collection capacity; an international counterintelligence capability; and an ability to engage in some traditional covert action functions, but that the actual level of covert action will be drastically reduced. It also assumes that we will want our clandestine collection, counterintelligence and covert action capacities to be targeted as efficiently as possible and controlled as tightly as possible. Further, it is assumed that such functions will benefit from improved cover and other safeguards to clandestinity.

#### *c. A Note on the Clandestine Services.*—

1. General public opinion stimulated by the Agee book, etc., seems to be that the CIA has engaged in practically wanton intervention in the domestic political affairs of other countries and that this intervention has been a self-sustaining goal of our foreign policy. For the most part, American "intervention" has been motivated by a desire to thwart real or predicted intervention by others—the Soviet Union, China, Cuba. Arguably our policy has been as much or more "counter-interventionist," as "interventionist."

2. It is often forgotten that the CS is not organized solely on geographic lines. A Soviet Bloc division has traditionally stationed case officers in any country there is a Soviet

3. The chief purpose of these "specialists" has been to monitor the activities of their KGB counterparts. Informed (though not necessarily unbiased) sources report that "detente" has brought no abatement of KGB activity in Europe, Japan or the less developed countries. This "KGB matching and monitoring" function should probably be at the core of any future CS.

3. Other appropriate roles for the CS include monitoring the activities of internationally operating terrorist groups and exploring third world political intentions regarding economic controls of scarce natural resources.

4. The above functions cannot readily or completely be carried out by overt United States representatives abroad. Such representatives are constrained, as a general proposition, to relations with established elements in the host country. Clandestine representatives can more readily explore the plans of opposition elements. Further, CS officers have carried out important liaison functions with intelligence services of host countries. It is assumed that such liaison should be continued through the CS.

*d. A Note about Organization.*—The CIA is frequently discussed as though it has two component parts—a CS and a directorate of intelligence, which does analysis, estimating and intelligence production (DDP/DDO and DDI). In point of fact, the Agency traditionally has operated with four directorates. In addition to the DDI and the CS, there have been a support directorate (DDS) and a directorate chiefly concerned with science and technology (DDS&T). The DDS contains a very substantial communications component which not only handles communications for the CIA but also, in many parts of the world, for the State Department. The DDI has contained two major "collection" functions—the Foreign Broadcast Information System (FBIS) and the Domestic Contact Service (DCS). The latter, which overtly contacts Americans who travel abroad in order to pick their brains regarding foreign technical and economic developments has been an important source of intelligence. Any rational plan for "divorcing" the CS and the DDI must perforce include consideration of disposition or re-creation of the functions and capacities which reside in the other two directorates (the DDS and the DDS&T), as well as the DDI collection functions (FBIS and DCS).

*e. Goals or Principles.*—Any scheme of organization for the CS should be based upon certain rational goals or principles, though it is impossible to define principles that are entirely consistent with one another. Some suggested principles are set forth below:

1. A responsive and effective intelligence analytic function is vital to the United States—the effectiveness and objectivity of this function should not be compromised by operational considerations; nor should its ability to gain the widest possible input be jeopardized by stigmatization which may result from proximity to covert activities.

2. The requirements of the analytic function should be readily communicated to the clandestine collector. Likewise, the

product of the clandestine collection system should be readily communicated to the intelligence analyst.

3. When appropriate, the President and other policymakers should receive raw clandestine intelligence from an agency that is as disinterested a conduit as possible.

4. The CS should be insulated from political misuse or from Presidential zeal, real or apparent.

5. Clandestine functions should be made as accountable as possible to public representatives, recognizing that secrecy can be a legitimate operational imperative.

6. The "cover" under which clandestine collectors operate should be preserved or improved.

7. The location of the CS should enable continuing evaluation of the relative merit of human intelligence as opposed to technical intelligence.

f. The following is an evaluation of the pros and cons of various alternative locations for the CS in light of the assumptions, organizational considerations and goals discussed above.

1. *The State Department Option—*

a. *Pro's*

(i) Might create better unity of foreign service and clandestine reporting, reducing redundancy of effort.

(ii) Might enable better integration of intelligence and foreign policy requirements in general.

(iii) Would enable establishment of independent intelligence analytic function without overlay of operational concerns.

(iv) Would involve placing State's communications back in the State Department.

b. *Con's*

(i) Traditional jealousy or suspicion of foreign service officers toward their CS counterparts might cause substantial bureaucratic friction.

(ii) Insulation from political aberration (e.g., the McCarthy period) which in the past had not existed for the State Department might no longer exist for the CS.

(iii) To the extent the CS is called on to perform "covert" functions, the "taint" which these functions are said to place upon the intelligence analytic function could, in effect, be transferred to the entire foreign affairs establishment of the United States Government.

(iv) There may be a penalty in terms of responsiveness of collection to intelligence requirements if clandestine collectors and intelligence analysts are "divorced."

(v) To the extent the CS collects important intelligence information which contradicts DOD perceptions, DOD might claim CS is infected with a "State Department" bias.

2. *The Defense Department Option—*

a. *Pro's*

(i) In terms of size, the DOD could easily envelop the CS.

(ii) A considerable portion of CS cover is already military in nature. Thus there might be some marginal improvement in cover.

(iii) Location in the DOD would not result in a "tainting" of the DOD since it already engages in intelligence and counterintelligence functions.

(iv) Support and R&D functions for CS could readily be merged with DOD components.

*b. Con's*

(i) A Secretary of Defense's span of control is already very wide—query whether he would have the capacity to give adequate direction to the CS.

(ii) Might result in an increasing focus on military-to-military intelligence liaison as opposed to civilian lines of liaison. Such a change in focus may cause problems for command and control, and potentially can affect intelligence production.

(iii) Insulation from political zeal might very well be imperfect because of the traditional military attitude of "can do."

(iv) Civilian control at DOD of military functions is surprisingly "thin." Presumably the CS, if placed in the Pentagon, would be subject to civilian rather than military control and would tax an already overextended group of civilians.

(v) The intelligence reporting of the CS might become tainted by a military bias, real or perceived.

(vi) Because of the size of the DOD, the thinness of civilian control over DOD functions, etc., the net result of placing the CS in the Defense Department might well be to reduce, rather than enhance, CS accountability to the public and Congress.

*3. The Independent Agency Option—*

*a. Pro's*

(i) If it is deemed imperative to split the CS from the intelligence analytic functions of Government, the independent agency model would seem preferable to the State Department or Defense Department models in light of the "cons" outlined above.

(ii) The independent agency would presumably not be a large agency, at least in relative terms. It might give public assurance that the national policy is not being dominated by a clandestine intelligence colossus.

(iii) Tasking of this agency by the NSC directly might avoid the bias or inefficiency which might result in tasking it through the State Department on the one hand or the Defense Department on the other.

*b. Con's*

(i) Cover problems would result. Stateside cover would be difficult without a broader institutional envelop. The small size of the Agency might reduce "clout" in seeking cover slots from other Departments. This fact in turn could create incentives to use of commercial or even "media" cover with attendant societal costs.

(ii) The new agency would be less insulated from Presidential zeal.

(iii) An entire support mechanism would have to be created for this new agency.

(iv) Relationships of such an agency to the science and technology of intelligence collection would be unclear unless it were to have its own costly R&D function.

(v) It might require its own independent communications function.

*4. The Status Quo—*

*a. Pro's*



(i) Current location can assure closest tailoring of clandestine activities to intelligence analytic requirements assuming adequate direction and control.

(ii) The status quo is an evolutionary product which may reflect the wisdom of time.

(iii) It is hard to find a better location.

(iv) Present location is efficient from the point of view of using extant support, communications and R&D functions.

(v) Present location preserves independence of the clandestine function from potential military bias.

*b. Con's*

(i) The CS has been the dominant directorate in the agency and without a "divorce" this domination cannot be terminated.

(ii) History demonstrates that the present location inadequately insulates from the possibility of Presidential zeal.

(iii) Location of clandestine operations in the same agency charged with analytic and estimative functions may have warped and may continue to warp the intelligence product.

(iv) The status quo may be intolerable in light of the disclosures of the Senate Intelligence Committee. One can argue that a shake-up is needed for the sake of a shake-up.

*g. Conclusions*

1. On balance it seems that the status quo, however imperfect, is preferable than any of the three identified options for change. If the status quo is maintained, there nonetheless need to be serious changes within the current organizational arrangement:

a. By executive directive or by legislation, a career CS officer should be precluded from appointment as the principal intelligence officer of the U.S. Government.

b. Covert action should be dramatically circumscribed (if it has not already been as a practical result of the House and Senate intelligence committees' hearings and other recent disclosures and legislation).

c. The CS should be substantially reduced in size--the CS should be a more tightly focused operation, focusing on Soviet and Chinese targets and possible other targets of clear and continuing significance to the United States national security, such as resource cartels, and international terrorist activities.

d. To these ends, the CS must be given more rigorous intra- and inter-agency budget and planning scrutiny. Closer evaluation of the CS intelligence product needs to be made. DDI and DD32T analysts should be required on a quarterly basis, to estimate the usefulness of CS reporting in terms of its percentage contribution to finished intelligence product.

Executive Registry

76-7399/3

April 12, 1976

TO: Dick Lehman

Please parcel out parts of the Bundy letter to Personnel and other places. I would like to refute where refutation is in order, agree where agreement is in order, rebut where rebuttal is in order.

Personnel, DDI, DDO and others should give a little thought to Bundy's approach. It would be most helpful to me to have you ramrod getting a good, thoughtful reply in order--no rush at all.

Thanks,

STATINTL

  
George Bush

76-7399/2A

April 12, 1976

Dear Bill,

Of course I want to reply to your letter of April 6th, and I want to do so in some detail, but it's going to take me time to digest the contents of that most thoughtful epistle. Dick Lehman and I are going to get to work on it.

You deserve a thorough answer and the putting together of such an answer will be a very worthwhile and educational experience for me. Patience, my friend, in the meantime,

My gratitude,

Sincerely,



George Bush

STAININTL

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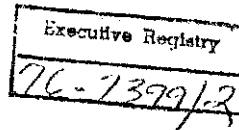
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# FOREIGN AFFAIRS

## AN AMERICAN QUARTERLY REVIEW

58 EAST 68TH STREET, NEW YORK, N.Y. 10021 | (212) 734-0400



WILLIAM P. BUNDY  
EDITOR

April 6, 1976

JAMES CHACE  
MANAGING EDITOR

The Honorable George Bush  
Director  
Central Intelligence Agency  
Washington, D. C. 20505

Dear George:

Thank you very much indeed for having Dick Lehman fit me into his New York schedule two weeks ago. We had a most profitable and interesting lunch, and it was good to catch up with him personally.

At the same time, my subsequent reflections as well as the conversation have left me on the whole more inclined to urge the divorce of the overt parts of the Agency from its covert intelligence, counterintelligence, and operating functions. The arguments against divorce do not seem to me persuasive, while the arguments in its favor seem on reflection even more powerful than they previously had.

First, as your letter stated and Dick argued at greater length, there is the question of where a covert agency would be located within the government—is there "a better home" than CIA as currently constituted? I really don't see the force of this argument at all. The covert agency could report to the White House or the State Department, or perhaps best to a governing committee ~~of three~~ that would be roughly the same as your present three-man executive committee for the whole intelligence community; that is, the head of the overt agency, and someone from the White House, State and Defense. This leaves the question of a name and physical location, and I realize that there might be some difficulty in parceling out the present support elements of the CIA. But it just does not strike me as more than a medium-sized problem of reorganization. The result would be a separate agency with some sort of name of its own.

The second major argument that Dick particularly urged was that the interaction of covert and overt intelligence personnel was in fact extremely helpful to both. Obviously this

is particularly hard for an outsider to judge, and I can remember cases where individuals from the covert side did contribute extraordinary depth and sophistication to our understanding (in ONE) of the situation in particular countries. Yet I also felt that this was the exception, and that for the exceptional individuals involved the separation of organizations need not be a serious barrier. Most of all, with Dick telling me that the overseas covert people are now overwhelmingly targeted on Soviet and Chinese matters, and with a great deal <sup>of</sup> local expertise and regional specialization now available in the State Department than was the case, for example, in the 1950s, the amount of premium of real country specialists on the covert side would be if anything less than in the days I experienced. And only the exceptional individual, however expert he may be on the darker side of the politics of a given country, can get away from some tendency to stress political maneuver rather than the deeper forces that may be at work in the situation. In other words, any covert intelligence man is primarily an intelligence collector thinking in terms of his priority targets; while he may have a special contribution to the task of evaluation, it is likely to be just that, special, and to be weighed with care by the overall evaluator.

Thus, I simply do not see the principal opposing arguments as very strong. What moves me in the other direction is my strong sense that only through a new, newly labeled and definitely overt agency can one really hope to get three things that seem to me vital:

- (1) The recruiting of the most imaginative people available;
- (2) Continued refreshing and battery-charging of these people by extensive outside contacts both at home and abroad;
- (3) Adequate constructive contact between evaluators and experts and men of wisdom who are not directly associated with the evaluating organization. To be more specific on each of these points:

(1) Whatever the statistical measure of your recruits today, I simply cannot believe that you are getting the really top quality of men that the Agency was able to recruit in the 1950s. As I put it to Dick, how many Drexel Godfreys do you get today--in that case one of the jewels of the Junior Williams faculty? How many Jim Billingtons? In short, how many men who really stand at the very top of their class in first-rate universities? I cannot believe the number is now significant, unless perhaps the man has some particularly strong ideological reason--an element that you want some of but not too much. The

OK  
Dick  
LEHMANS?

open-minded, skeptical, truly imaginative minds simply will not come--I believe--to an agency heavily impregnated with a covert side. And while this has something to do with the recent outcry, I think it basically goes deeper and will persist even in a significantly improved climate.

(2) The kind of overt agency I have in mind would have its pores very much more open than has been the case in recent years, when even the best of the men you have (and they are very good indeed) have become largely cut off from the mainstream of academic and practical thinking in the country on their specialties. I would venture that very few of your middle level and senior people have been able in recent years to move freely back and forth to the various centers of thought in this country, a form of refreshment and battery-charging that we used to use to great effect in the 1950s but that must now be virtually impossible in practice--and again because of the association with an agency impregnated by the covert. Your best men today strike me, for all their virtues, as really quite monastic--and as one related test I would suggest checking to see how long it has been since someone from another walk of life came to the Agency for a tour of two or three years on the evaluation side. This used to happen all the time in the 1950s and to the great benefit and liveliness of the shop (here I would group ONE with what were then OCI and ORR).

(3) Again, and at the risk of seeming to glorify the past, my mind goes back to the immense amount of contact that used to exist between the overt side of the house and experts in the various universities and practical organizations who themselves had no tie to the Agency. Time was when ONE people could go to academic settings and centers with great freedom and profit, and I don't think this was just a reflection of a much wider national consensus on policy. Rather it was that the Agency had a very strong overt profile of its own. Now, the events of the last ten years have destroyed that profile so that only a separation could now hope to recreate it.

In sum, George, I remain an unabashed believer in an overt evaluation function conducted separately from any of the policy-making departments. In theory, if one goes back to the 1947 decision to establish evaluation on a centralized basis, one could still argue--as Dean Acheson did--that the best solution would be to keep the old Research and Analysis part of OSS in the State Department under the likes of an Al McCormack or a Bill Langer (whose private autobiography I have just been reading). But the plain fact is that the State Department will never be hospitable to such a group, and a further factor is that from time to time the necessary quality and outside contact

will be severely affected by whether the thinking and acting communities of the country are in sympathy with a particular Secretary of State. One of the great qualities that Allen Dulles managed to preserve in the 1950s was that the best possible thinking about the world abroad could be conducted on a professional basis, dissociated to a significant degree from any particular quirks of policy at a given moment, and thus embracing the inputs of thinkers and actors from the outside who would not ordinarily want to have anything to do with a State Department with which they disagreed—or today with an organization unfortunately tarred by the covert operations in which it engaged on higher authority.

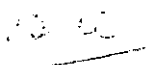
This seems to me a significantly different vision than perhaps now exists in large areas of your staff. None, I suppose, would now recall the extraordinary breadth of talent enlisted in the Office of Facts and Figures of 1940-41, and few would recall the experience of the Research and Analysis part of OSS—or perhaps even the continued openness and wide inputs that existed in the 1950s but that tended steadily to diminish thereafter. Yet today the amount of input that is possible from much more sophisticated business and intellectual circles is, in fact, very much greater than it was at these earlier times. And what I do believe is that a separate overt organization—and only such an organization—would have the possibility of enlisting the kind of continuing outside support and contact to do the job properly.

So I set down this vision at some length, not because I think you ought to decide this question in the near future in this direction, but because I think it will be an absolutely critical decision to be made late this year or early next, and I would hope that you personally would be very deeply involved in it. At any rate, I do hope that you can quietly set about getting the opinions of a great many others with experience of the past as well as the present potential, who may be less thrusting in stating their views than I have been.

No need in any event to reply. I simply wanted to pull my thoughts together for whatever use they may be to you.

With warm regards,

Yours ever,

  
William P. Bundy

F-301

AMERICAN ACADEMY OF ARTS AND LETTERS

ONE DUPONT CIRCLE - SUITE 500

WASHINGTON, D.C. 20036

Telephone 202-462-6030

## President

William W. Van Alstyne  
Duke University

## General Secretary

Joseph D. Dwyer  
Washington OfficeAssociate General Secretary  
Jordan E. England

May 20, 1976

Mr. George Bush, Director  
Central Intelligence Agency  
Washington, D. C. 20505

Dear Mr. Bush:

According to the Final Report of the Senate Select Committee To Study Governmental Operations with respect to Intelligence Activities (i.e., the "Church Committee"), the CIA has involved American academics and academic institutions in at least three respects which compromise their professional integrity. In addition, there are intimations in the Report in its italicized passages (which a footnote identifies as having been heavily edited "at the request of executive agencies") and a separate statement by Senators Phillip Hart, Walter Mondale, and Gary Hart suggesting still further involvement which, in the view of those Committee members, implies still other improper uses. (E.g., at p. 568 they write: "The discussion of the role of U.S. academics in the CIA's clandestine activities has been so diluted that its scope and impact on the American academic institutions is no longer clear . . . modified to the point where the Committee's concern about the CIA's blurring of the line between overt and covert, foreign and domestic activities, has been lost.")

The three respects that appear to be evident from what was not abridged in the Report are these:

a) Generally, an academic is expected to note his relation with an outside sponsor in reporting or publishing the results of his work in order to enable the reader to take that sponsorship into account. (Among law reviews, for instance, the standard rule is that an article subsidized by an interested party, or even a manuscript submitted by an attorney whose firm represents a client with an interest in the subject with which the article is concerned, must, at a minimum, disclose that relationship.) It is, of course, no answer at all that the author might himself prefer that the sponsorship not be disclosed. It is my understanding that the CIA has involved itself in this kind of unprofessional conduct. The general awareness that it is done necessarily undermines the credibility of all published research.

b) The Report speaks directly also of CIA contracting with scholars for publication to be used as "propaganda" which nonetheless appears to be professionally detached and reliable scholarly publication. Of course one can readily appreciate the exploitative value of trading

WESTERN REGIONAL OFFICE: Suite 1406, 582 Market Street, San Francisco, California 94104 (415-398-5110)



upon the reputation of scholarly work to induce greater readership credibility than more forthright disclosure of its sponsorship and propaganda intention would bear. Insofar as there is a deliberate withholding of the true object of such publication, and a willful omission of disclosure that professional ethical standards would otherwise require, I believe it not too strong to have described these practices as calculated to mislead and to misrepresent. They are, in my profession, grounds for reproof and reprimand.

Additionally, the Report indicates that "operational use" is made of academics in "covert" fashion and that still others "are used in an unwitting manner for minor activities," involving, in the aggregate, academics from more than 100 institutions. In each of these respects (and the passages in which they are chronicled are heavily italicized -- indicating the substantial censorship of which several Committee members complained), the Committee again drew attention to its own concern (which I fully share) "that American academics involved in such activities may undermine public confidence." It is quite impossible to infer from these passages that all that is involved is an admirable desire by the CIA not "to isolate itself from the good counsel of the best scholars in our country" (as you say in your letter), rather than, as the Committee says, much more ulterior uses.

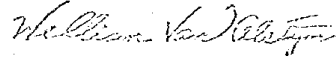
The massive censoring of the Committee Report, the separate disclosures that the CIA disregarded its statutory mandate to confine itself to intelligence and to exercise no "police" powers within the United States (as in fact it did), the established fact that the agency clearly has not confined itself "to provide the policy makers of our government with information and assessments of foreign developments" but has, rather, pursued horrendous military operations abroad, and the concurrent unravelling of remarkable illegal domestic activity by the FBI as well, are, respectfully, not reassuring.

You write that "whatever you have heard about the past, I can assure you that there is now no reason for the members of your association to fear any threat to their integrity . . . from the CIA."--(Emphasis added.) In anticipation, I expressed interest that you have announced that accredited journalists will no longer be used for covert operations, and asked specifically that an identical policy be announced as well in respect to academics. Your letter is doubtless written with care, yet I do not find within it even the facsimile of such an assurance. Whether by further correspondence or on the occasion of meeting "with a few senior officials of this Agency," as you suggest, I would be much relieved by that assurance of equal protection for the integrity of academics. Through the General Secretary of AAUP, Dr. Joseph Duffer, I shall provide every encouragement for such a meeting.

Finally, I appreciate your concern that my letter was released prior to receiving a reply from you. It was exceptional, albeit not exactly in the way you suggested (namely, that it suggests that my purpose was "something other than the resolution of the problem"). Rather, the point was additional to the immediate problem. The Church Committee, in issuing its Report, expressly and publicly solicited the response of academic organizations, suggesting that they had a public duty of their own to

comment on its disclosures. The American Association of University Professors has, for sixty years, defended the freedom of teachers and scholars. To have treated the disclosures of the Church Committee as worthy of no public comment, and to have proceeded solely by private correspondence, seemed to me to invite public cynicism that the AAUP was itself complacent about the witting and unwitting involvement of the profession in the matters which the Church Committee had drawn so explicitly to the profession's attention and on which it has sought some timely response. The release of my letter was meant to indicate that we do care.

Sincerely,



William Van Alstyne

WVA:em

OHIO CONFERENCE  
American Association of University Professors

President: Kenneth Parkhurst  
John Carroll University  
Executive Secretary: Marvin Gisser

Executive Registry  
76-78687

E-1.2  
11 May

X Ref  
76-8095

May 20, 1976

Mr. George Bush  
Director  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Mr. Bush:

At its annual meeting on May 15, 1976, the Ohio Conference of the American Association of University Professors unanimously adopted the following resolution:

"The Ohio Conference, American Association of University Professors, requests you take whatever steps are necessary to cease, at once, all use and involvement of college or university faculty members and administrators in covert activity of any kind."

Respectfully submitted,

*K L Parkhurst*  
Kenneth Parkhurst  
President

76-78681/2

DD/S&T# 2/24-76/

11 MAY 1976

OGC 76-2468

5-12-76

Professor William M. Van Alstyne  
American Association of University Professors  
One Dupont Circle - Suite 500  
Washington, D. C. 20036

Dear Professor Van Alstyne:

I received your letter of May 4, 1976, concerning CIA relations with the academic community on the same day that you released it to the press and gave a press interview about it. The fact that you did not await a response from me before making your letter public is somewhat troubling. Unfortunately, your doing this could suggest to others that your purpose is something other than the resolution of the problem you perceive.

Having said that, I firmly reject your allegations that CIA corrupts American "colleges and universities by making political fronts of them," that they "are made conduits of deceit" and that "faculty members are paid to lie." These charges reflect your ignorance of the true nature of the relationships we now have with American educational institutions and their faculties. To issue a statement that I am taking "steps to end the exploitation of the academic community," as you request, would give credibility to the series of erroneous assumptions and allegations in your letter. Whatever you have heard about the past, I can assure you that there is now no reason for the members of your association to fear any threat to their integrity or their high sense of purpose from CIA.

The Agency has several kinds of relationships with scholars and scholarly institutions. They include negotiated contracts for scientific research and development, contracts for social science research on the many matters that affect foreign policy, paid and unpaid consultations between scholars and CIA research analysts, contacts with individuals who have travelled abroad, and other similar contacts that help us fulfill our primary responsibility; i.e., to provide the policy makers of our government with information and assessments of foreign developments.



We seek the voluntary and willing cooperation of individuals who can help the foreign policy processes of the United States. Those who help are expressing a freedom of choice. Occasionally such relationships are confidential at our request, but more often they are discreet at the scholar's request because of his concern that he will be badgered by those who feel he should not be free to make this particular choice.

None of the relationships are intended to influence either what is taught or any other aspect of a scholar's work. We specifically do not try to inhibit the "free search for truth and its free exposition." Indeed, we would be foolish to do so, for it is the truth we seek. We know that we have no monopoly on fact or on understanding, and to restrict the search for the truth would be extremely detrimental to our own purposes. If CIA were to isolate itself from the good counsel of the best scholars in our country, we would surely become a narrow organization that could give only inferior service to the government. The complexity of international relations today requires that our research be strong, and we intend to keep it strong by seeking the best perspectives from inside and outside the government.

Your letter indicates a serious lack of confidence in people in your own profession--a view that I do not share; that is, your belief that your academic colleagues, including members of your association, would accept pay "to lie about the sources of their support, to mislead others, to induce betrayed confidences, to misstate the true objects of their interest, and to misrepresent the actual objectives of their work." It is precisely that kind of irresponsible charge that tends to drive responsible relationships away from openness and toward the secretiveness that you seem to abhor.

Finally, Professor Van Alstyne, the seriousness of your charges demands that we find a way toward better understanding. Because we owe that to both our organizations, I invite you to meet with a few senior officials of this Agency for that purpose.

Sincerely,

/s/ George Bush  
George Bush  
Director

Letter to: Professor William W. Van Alstyne  
American Association of University Professors

Subject : CIA Relations with the Academic Community

O/DDI:EMProctor:lm (10 May 1976)

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10 MAY 1976

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President  
WILLIAM W. VAN ALSTYNE  
Duke University

General Secretary  
JOSEPH DUFFY  
Washington Office

May 4, 1976

Mr. George Bush  
Director  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Mr. Bush:

The recent report of the Senate Select Committee on Foreign and Military Intelligence has confirmed what was already published elsewhere: that the CIA has for years covertly used academic institutions and employed academic persons in ways which compromise institutional and professional integrity. Universities and scholars have been paid to lie about the sources of their support, to mislead others, to induce betrayed confidences, to misstate the true objects of their interest, and to misrepresent the actual objectives of their work.

In ending the practice of CIA employment of missionaries and journalists for covert operations, you have demonstrated your concern for and your willingness to protect the integrity and independence of those institutions. As national President of the American Association of University Professors, I call upon you now to provide the same guarantees against misuse and subversion for our colleges and universities so that they may be freed of the stigma of covert, and often unknowing, participation in manipulative government operations conducted by the CIA.

The American Association of University Professors espouses the professional freedom of teachers and scholars not as some peculiar entitlement of their own but as a duty that they owe to their students and to the community as a whole. For this reason, the 1940 Statement of Principles on Academic Freedom and Tenure, issued jointly by the AAUP and the Association of American Colleges and endorsed by approximately a hundred learned and professional associations, provides:

"Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

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Room 7-E-12  
Headquarters

A government which corrupts its colleges and universities by making political fronts of them has betrayed academic freedom and compromised all who teach. When colleges and universities are made conduits of deceit and when faculty members are paid to lie, there is an end to the common good of higher education.

On behalf of the American Association of University Professors, I write to express my dismay and utter repugnance at the disregard for the integrity of institutions of higher education shown by the CIA. The practice of shamelessly exploiting the reputation of American academics for trustworthiness, which has characterized CIA activity in the past, evidently continues today. I see no reason whatsoever why higher education should not be treated with the same regard previously shown in your action ending the covert use of missionaries and journalists by the CIA. I ask you to take steps to end the exploitation of the academic community and to disengage the Agency from covert activities which induce academics to betray their professional trust.

The American academic community awaits the necessary forthright CIA guarantees that its integrity will not be further compromised.

Sincerely,

*William Van Alstyne*

William W. Van Alstyne

WVA:mjw

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